



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



AFES/MMM

OCT 30 2008

Mr. James Winegarner
Vice President, Land & External Affairs
Brooks Range Petroleum Corporation
501 L Street, Suite 601
Anchorage, Alaska 99501

Dear Mr. Winegarner:

This responds to the letter Brooks Range Petroleum Corporation (BRPC) submitted to the U.S. Fish and Wildlife Service (USFWS) dated August 22, and September 22, 2008, requesting Letters of Authorization (LOA) for the incidental and intentional take of polar bears for the North Shore and Sak River Exploration Programs.

Enclosed is an LOA (08-16) for the North Shore Sak River Exploration Programs that would allow BRPC to take small numbers of polar bears incidental to oil and gas industry exploration activities at the above locations identified in your LOA requests. This project is a continuation of 2007-08 Gwydyr Bay Regional Exploration Program and incorporates your request for 2008 North Shore Fall studies (including wetland habitat delineation, ice road surveys and prepacking of the route, and archaeological/cultural site clearance) and 2008-09 exploration activities, which includes a proposed ice road and pad construction, drilling, and summer follow-up activities at these two adjacent sites. The proposed start date for these projects is fall 2008. If any changes develop in your projects during the 2008-09 winter season, such as activities or location, please notify the Marine Mammals Management Office prior to the planned operation. This would allow us to evaluate the activity and, if appropriate, amend your LOA.

In addition, this letter includes a harassment authorization, where BRPC and its representatives are granted authorization to take polar bears by harassment (deterrent activities) for the protection of both human life and polar bears while conducting activities in polar bear habitat during the Brooks Range's Regional Exploration Program (North Shore, Sak River, East Shore, West Shore, and UltraStar). This authorization is issued specifically to BRPC employees who are responsible for ensuring that trained and qualified personnel are assigned the task to harass (deter) polar bears. It is the responsibility of BRPC personnel to report all polar bear harassment events to our Marine Mammals Management Office within 24 hours. This authorization is effective for the period, December 2, 2008 to December 2, 2009. Intentional take is authorized under sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA).

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The USFWS believes that protection measures for polar bears described in BRPC's Polar Bear Interaction Plan contain appropriate safeguards to limit human/animal interactions. The BRPC field camps and personnel can limit encounters of polar bears by being observant of approaching animals (i.e., the use of polar bear guards) and breaking off interactions, if practicable, by allowing the animals to continue their travel. All terms of the BRPC Polar Bear Interaction Plan are incorporated by reference and full implementation is expected.

If a polar bear interaction escalates into a life threatening situation, Section 101(c) of the MMPA allows, without specific authorization, the take (including lethal take) of a polar bear if such taking is imminently necessary in self-defense or to save the life of a person in immediate danger, and such taking is reported to the USFWS, Marine Mammal Management Office within 24 hours.

Historical polar bear denning activity reveals that polar bear denning habitat occurs along creek cutbanks and river bluffs. Approximately 1782 miles (2870 km) of potential polar bear denning habitat is located between the Colville River and the Canning River. Disturbance during denning could lead to abandonment of dens and possible mortality to cubs. The USFWS seeks to limit disturbance to maternal polar bear den sites, both known dens and those areas that could possibly be preferred by denning polar bears. With this in mind, please note the stipulation of the LOA requiring BRPC to conduct a den survey along the ice road route to North Shore and Sak River and adjacent areas where potential denning habitat occurs (Figure 1). This survey will be similar to the 2007 den detection survey and should incorporate the same potential maternal denning habitat as the previous survey.

Use caution when operating near these areas during the maternal denning period (mid November to mid April). The U.S. Geological Survey has posted information regarding polar bear denning habitat on the Alaska Science Center (ASC) website, plus associated documents. The den habitat map (ARC/INFO export file), the mapping manuscript (PDF file) and a picture of den habitat (JPG file) are now available on the ASC website (<http://www.absc.usgs.gov/dataproducts.htm>). Please use these resources when planning activities in potential denning areas and contact us immediately if any dens are found during oil and gas activities. Furthermore, BRPC will provide copies of the polar bear observation form to all BRPC contractors operating under the LOAs. Report any polar bear sightings, or signs of polar bears, such as tracks, scat, or diggings, to this office by phone or using the polar bear observation form. Report any possible den locations that are found during work activities immediately to our office. Institute the one-mile buffer immediately upon discovery of a maternal den site, as required by Condition 5 of the LOA.

Furthermore, in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA), issuance of this LOA also fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described herein. In the "Programmatic Biological Opinion for Polar Bears (*Ursus maritimus*) on Beaufort Sea Incidental Take Regulations" (June 2008; Tier 1 BO), the Service determined that the total take anticipated as a result of the issuance of the Regulations is not likely to result in jeopardy to the polar bear, in

provided: (1) the proposed activity must provide the required information, as described in §18.124 of the Regulations; (2) the LOA must include any mitigation measures that the MMM believes appropriate for the specific activity and location, as described in §18.128 of the Regulations; and (3) the MMM must determine that the incidental take for the specific activity will be consistent with the negligible impact finding for the total take allowed under the Regulations.

Reasonable and prudent mitigation measures, as well as implementing terms and conditions were included for MMM in the Tier 1 BO and have been incorporated into the LOA process. Issuance of this ITS with the LOA completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA insures that the LOA holder is also in compliance with the ESA.

An additional requirement of this LOA is to provide observational data of polar bears throughout the project and a complete report of all observations at the conclusion of the project to document take. This final report will be provided to the MMM. This report meets the tracking and reporting requirements relative to the documentation of take as required by the MMPA and the ESA.

Polar bear conservation has benefited from monitoring programs associated with the Incidental Take Program since 1993. Monitoring serves to assess the effect of industrial activities on polar bears by evaluating trends and effects of bear encounter rates, take frequency, as well as the location and timing of encounters. USFWS biologists will be available for consultation if questions or concerns arise during the project period at the phone numbers listed below and noted in your interaction plan.

This authorization is issued in accordance with our regulations listed at 71 FR 43926, dated August 2, 2006. Please review these regulations. Should you have any further questions contact Mr. Craig Perham of our Marine Mammals Management Office at (907) 786-3800 or 786-3810.

Sincerely,



Rosa Meehan, Ph.D.
Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Shideler, ADF&G
Fairbanks Fish and Wildlife Field Office (FWFO)
USFWS Office of Law Enforcement (OLE)
North Slope Borough Department of Law

The first of these is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the proposed changes to the law. This is a serious matter, as the Commission is unable to carry out its duties without such information. The second is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the proposed changes to the law. This is a serious matter, as the Commission is unable to carry out its duties without such information.

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IN REPLY REFER TO:

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FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



MMM

ISSUED: November 1, 2008
EXPIRES: November 1, 2009

LETTER OF AUTHORIZATION (08-16)

Brooks Range Petroleum Corporation (BRPC) is hereby authorized to take small numbers of polar bears incidental to activities occurring during the North Shore / Sak River Exploration Programs. This project is a continuation of 2007-08 Gwydyr Bay Regional Exploration Program and incorporates the 2008 North Shore Fall studies (including wetland habitat delineation, ice road surveys and prepacking of the route, and archaeological/cultural site clearance) and 2008-09 exploration activities, which includes a proposed ice road and pad construction, drilling, and summer follow-up activities at these two adjacent sites. The proposed start date for these projects is fall 2008. These activities are discussed in detail in the Plan of Operations, Summer-Fall Studies, August 2008; and the Plan of Operations, North Shore Exploration Program, (LO/NS 06-020 September 2008 Amendment), September 2008.

This authorization and the required conditions below include contractors of BRPC performing BRPC-approved work under the scope of operations to be conducted. Authorization is subject to the following conditions:

1. The BRPC Polar Bear Interaction Plan, 2008 North Shore and Sak River Exploration Programs, September 22, 2008, is approved and all provisions must be complied with unless specifically noted otherwise in this Letter of Authorization. A copy of this polar bear interaction plan must be available on site for all personnel.
2. BRPC Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. Intentional take is prohibited under this authorization.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated August 22, 2008 and September 22, 2008.

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5. Polar bear monitoring, reporting, and survey activities will be conducted in accordance with 50 CFR 18, section 18.128. The basic monitoring and reporting requirements follow:
 - BRPC must cooperate with the Fish and Wildlife Service (USFWS), and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears;
 - BRPC must not conduct activities that operate nor pass within 1 mile of known polar bear dens, and all observed dens must be reported to the Marine Mammals Management Office, Fish and Wildlife Service within 12 hours of discovery. Should occupied dens be identified within one mile of activities, work within a one-mile area will cease and Service must be contacted for guidance. The USFWS will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and BRPC must comply with any additional measures specified.
 - BRPC must designate a qualified individual or individuals to observe, record, and report the effects of the activity on polar bears to the USFWS within 24 hours of visual observation;
 - BRPC must allow the Fish and Wildlife Service to allow an observer on the site to monitor the impacts of the activity on polar bears, at the discretion of the Fish and Wildlife Service;
 - BRPC must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which will be received up to 90 days after the expiration date of the LOA.
6. A USFWS-approved den detection survey will be conducted along potential polar bear denning habitat within one mile of the North Shore Drill Site ice road prior to the commencement of drilling activities (Figure 1).
7. Per the "Programmatic Biological Opinion for the Beaufort Sea Incidental Take Regulations for Polar Bear (June 2008)", your request also triggers the second of the two-tiered programmatic process. In order for incidental take of the polar bear to be exempted from the prohibitions of the ESA, the LOA also serves as an "Incidental Take Statement" (ITS), required under section 7 of the Endangered Species Act of 1973 (ESA). Issuance of the LOA/ITS fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described in this letter.

8. This authorization expires November 1, 2009.

Rosa Mank
Chief, Marine Mammals Management

10/30/08
Date



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FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



AFES/MMM

U.S. Fish and Wildlife Service

AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS

ISSUED: December 2, 2008

EXPIRES: December 2, 2009

Under Sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act of 1972, as amended, Brooks Range Petroleum Corporation (BRPC) is authorized to take, by harassment, polar bears during exploration activities in association with BRPC's 2008-09 Exploration Program (North Shore, Sak River, East Shore, West Shore, and UltraStar). These activities are discussed in detail in the Plan of Operations North Shore, Sak River, dated September 22, 2008, and the Plan of Operations for East Shore, UltraStar Exploration Programs, dated October 7, 2008.

The purpose of authorizing taking by harassment, or deterrence, is to maintain human and bear safety and welfare in the North Slope oilfields. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. This is accomplished by the following objectives:

1. Prevent bears from associating food with humans and facilities
2. "Train" bears to avoid people
3. Allow bears to use travel routes (natural and man-made) to move along the coast
4. Prevent bears from extended use of areas around facilities
5. Prevent bears from entering the developed parts of the oilfield

Harassment authorization is subject to the following conditions:

1. The polar bear interaction plans (2008 North Shore and Sak River Exploration Programs, September 22, 2008; 2008 East Shore Exploration Program, October 2008; 2008 UltraStar Exploration Program, October 2008; 2008 West Shore Exploration Program, October 2008) are approved and all provisions, unless noted specifically, are incorporated into this Letter of Authorization by reference. A copy of the appropriate polar bear interaction plan must be available on site for all personnel.

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2. BRPC Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. This authorization is restricted to harassment activities.
4. Authorized individuals are responsible for documenting and reporting to the U.S. Fish and Wildlife Service, Marine Mammals Management Office, (907) 786-3800, all instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.
5. Activities will not operate nor pass within 1 mile of known polar bear dens, and all observed dens will be reported to the Marine Mammals Management Office, Fish and Wildlife Service immediately. Should occupied dens be identified within one mile of activities, work in the immediate area will cease and Service will be contacted for guidance. The USFWS will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential responses may range from cessation or modification of work to conducting additional monitoring.
6. A final report of all encounters and hazing events must be submitted to the U.S. Fish and Wildlife Service, Marine Mammals Management Office within 60 days from the expiration date of this authorization.
7. Hazing techniques must not cause the injury or death of a bear. Types of hazing techniques may include, but are not limited to:
 - Bear Monitors
 - Air horns
 - Electric fences
 - Chemical repellents
 - Acoustic recordings
 - Vehicles
 - Projectiles: cracker shells, bean bags, rubber bullets, screamers, etc.
8. Prior to conducting a harassment activity, operators must:
 - Reduce/eliminate attractants
 - Secure site; notify supervisor; move personnel to safety
 - Ensure bear has escape route(s)
 - Ensure communication with all personnel
9. When conducting a harassment activity, operators must:
 - Chose the method that will have the least effect on the bear and increase the intensity of the method or use additional methods only if necessary
 - Shout at the bear before using projectile (avoidance conditioning)

- Move bear in proper direction; continue with minimally necessary deterrents to receive desired result

10. After a harassment event has occurred, operators must:

- Monitor bear movement (to ensure no return)
- Notify supervisor and personnel to resume work
- Fill out report to be sent to the Service as required under condition 4 (within 24 hours)

11. This Authorization is valid for the period indicated on this authorization, unless extended or terminated in writing by the U.S. Fish and Wildlife Service, Marine Mammals Management Office.

Signed: _____

Date: _____

Rose Mark

10/30/08

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